

dispute resolution venue. Ideally the bill would give Federal district courts exclusive jurisdiction in matters concerning the implementation of this legislation. Policy changes with such far-reaching effects inevitably lead to unexpected issues and consequences. Giving Federal courts this jurisdiction would ensure greater uniformity and application of this legislation across the country.

These are only a few of the concerns I have regarding the Marketplace Fairness Act. I don't believe these are necessarily fundamental concerns, but they are issues that need to be addressed.

I am quite certain that, if given an opportunity, the Finance Committee could address these issues without inexorably changing the underlying purpose of the bill. However, if we proceed with floor debate on the Marketplace Fairness Act as is, we will not have that opportunity.

The Senate simply cannot continue to operate this way. Once again, we need to restore the deliberative traditions of the Senate, and that means a return to regular order.

I know a number of my colleagues have expressed similar concerns about the need to restore the committee process in the Senate. I hope they will join with me in voting no on cloture on the motion to proceed to the Marketplace Fairness Act. This doesn't necessarily determine how I am going to vote on the final analysis of this, but I sure as heck would like to approach this in a much more intelligent and legislatively profound way than we are doing here tonight.

By the way, we can talk about the fairness of this thing, but there are a lot of stakeholders that are not quite convinced this is as fair as those who are supporting the bill actually claim.

I hope we can have a more deliberative process to examine these matters. The distinguished chairman of the committee has offered to have a hearing on the bill, mark up the bill, and consider it in a regular-order approach in the immediate future as soon as we get back from this next recess. Frankly, I think that is a pretty good offer, and it is one we ought to honor if we honor our committee structure in the Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I understand that unanimous consent was given earlier to have printed in the RECORD an op-ed from the Wall Street Journal by Arthur B. Laffer entitled "Tax Internet Sales Stimulate Growth."

Mr. ALEXANDER. Mr. Laffer, as most Americans know, is a distinguished economist. People sometimes said he was President Reagan's favorite economist. He makes the argument that many conservatives and many Governors across the country make, which is: Give us the authority to

make these decisions for ourselves. We will collect taxes from everybody who already owes the taxes by requiring sellers to collect the taxes whether they are in State or out of State, and then we will lower the tax rate.

Mr. Laffer says fairness legislation that collects taxes from everyone who owes it and then lowers the tax rate is better for economic growth, which is something our country desperately needs.

Mr. President, I also ask unanimous consent to have printed in the RECORD the comments supporting specifically the legislation from Al Cardenas, chairman of the American Conservative Union, Governor Mike Pence of Indiana, and former Governor Mitch Daniels of Indiana.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONSERVATIVES SUPPORT MARKETPLACE
FAIRNESS

AL CARDENAS, CHAIRMAN OF THE AMERICAN
CONSERVATIVE UNION

"When it comes to state sales taxes, it is time to address the area where federally mandated prejudice is most egregious—the policy toward Internet sales, the decades old inequity between online and in-person sales as outdated and unfair."

GOVERNOR MIKE PENCE

"I don't think Congress should be in the business of picking winners and losers. Inaction by Congress today results in a system today, that does pick winners and losers."

GOVERNOR MITCH DANIELS

"Sales taxes that states impose ought to be paid, and paid by everybody equally and collected by everybody in the retail business . . . We're not talking about an additional or new tax here—we're talking about the collection of a tax that's existed a long time."

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. We are in morning business for 1 more minute and then morning business will be closed and we will proceed to the motion under the agreement.

Mr. BAUCUS. Mr. President, I will take that 1 minute, please.

This is pretty simple. This legislation is new and only recently introduced. It has never been vetted. Others have but not this legislation. This bill is fraught with all kinds of problems, some of which have already been enumerated on the floor. There are many unintended circumstances.

The only right thing to do is to permit this to go back to the committee so the committee can take it up. As chairman of the committee, I have made that promise many times. We have already had hearings. We will have a markup on this bill in the next work period. A markup means there will be a vote. I stand here ready to abide by the vote. I submit right now that the majority of the Members of the committee maybe will let us work this thing. I don't know. But that is the process. That is what we should be doing, not just ramming this thing

through, which is so complex. There are so many unintended consequences. Many of the consequences have been enumerated and not addressed but could be addressed and would be addressed in a proper committee forum.

I yield the floor.

CONCLUSION OF MORNING
BUSINESS

The PRESIDING OFFICER. Morning business is closed.

MARKETPLACE FAIRNESS ACT OF
2013—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the motion to proceed to S. 743 which the clerk will report.

The assistant legislative clerk read as follows:

Motion to proceed to the consideration of Calendar No. 41, S. 743, a bill to restore States' sovereign rights to enforce State and local sales and use tax laws, and for other purposes.

CLOTURE MOTION

The PRESIDING OFFICER. The clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 41, S. 743, To restore States' sovereign rights to enforce State and local sales and use tax laws, and for other purposes.

Harry Reid, Richard J. Durbin, Sherrod Brown, Sheldon Whitehouse, Amy Klobuchar, Joe Manchin III, Richard Blumenthal, Patrick J. Leahy, Martin Heinrich, Angus S. King, Jr., Al Franken, Tom Harkin, Carl Levin, Mark Begich, Brian Schatz, Robert Menendez, Tammy Baldwin.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 743, a bill to restore States' sovereign rights to enforce State and local sales and use taxes, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Oregon (Mr. MERKLEY), and the Senator from New Hampshire (Ms. SHAHEEN), are necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Wisconsin (Mr. JOHNSON) and the Senator from Alaska (Ms. MURKOWSKI).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?